



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **MP-6**
308.041

May 6, 2004

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**EATON WASH - PARCEL 173, ALSO AFFECTS PARCEL 388
GRANT OF EASEMENT - CITY OF PASADENA
SUPERVISORIAL DISTRICT 5
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Consider the Notice of Exemption for the Pasadena Water and Power Well No. 58, prepared by the Pasadena Water and Power Department, and filed with the County Clerk on December 2, 1997; find that the granting of an easement for Eaton Wash, Parcels 173 and 388, is within the scope of the Pasadena Water and Power Well No. 58 project; concur that the project is exempt from the California Environmental Quality Act (CEQA); and find that these actions reflect the independent judgment of the County.
2. Approve the grant of an easement for drainage purposes from the Los Angeles County Flood Control District (District) to the City of Pasadena within Eaton Wash, Parcels 173 and 388, for \$5,900. Parcels 173 and 388 (2,133 square feet) are located on the easterly side of Eaton Wash, between Orange Grove and Foothill Boulevards, in the City of Pasadena.

3. Instruct the Chairman to sign the enclosed Easement document and authorize delivery to the Grantee.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

This action will allow the District to grant an easement in Eaton Wash, Parcels 173 and 388, to the City of Pasadena. The easement is located on the easterly side of Eaton Wash, between Orange Grove and Foothill Boulevards, in the City of Pasadena.

The City of Pasadena requested the easement for drainage purposes. The granting of this easement is not considered adverse to the District's purposes. Moreover, the instrument reserves paramount rights for the District's interest.

Implementation of Strategic Plan Goals

This action is consistent with the Strategic Plan Goal of Fiscal Responsibility. The revenue from this transaction will be used for flood control purposes.

FISCAL IMPACT/FINANCING

The City of Pasadena has paid the appraised value of \$5,900 for the easement. This amount has been deposited into the Flood Control Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The easement is not required for purposes of the District, and the granting of this easement will not hinder the use of the channel for possible transportation, utility, or recreational corridors.

The enclosed Easement document has been approved as to form by County Counsel and will be recorded.

ENVIRONMENTAL DOCUMENTATION

The City project title is Pasadena Water and Power Well No. 58. The Notice of Exemption was prepared by the Pasadena Water and Power Department and was filed with the County Clerk on December 2, 1997. The recommended findings are in accordance with CEQA and are required prior to your Board's approval of this Easement.

The Honorable Board of Supervisors
May 6, 2004
Page 3

IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

CONCLUSION

This action is in the District's best interest. Enclosed are an original and two duplicates of the Easement. Please have the original and one duplicate signed by the Chairman and acknowledged by the Executive Officer of the Board of Supervisors. Please return the executed original and one duplicate to this office, retaining one duplicate for your files.

One approved copy of this letter is requested.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

AT:in
P6:blEATON WSH173

Enc.

cc: Auditor-Controller (Accounting Division - Asset Management)
Chief Administrative Office
County Counsel

RECORDING REQUESTED BY
AND MAIL TO:

City of Pasadena
100 North Garfield Avenue
Pasadena, CA 91109-1782

Space Above This Line Reserved for Recorder's Use

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER TAX
PURSUANT TO SECTION 11922 OF THE REVENUE & TAXATION CODE

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT
TO SECTION 27383 OF THE GOVERNMENT CODE

Assessor's Identification Number:
5752-015-904 (Portion)

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic, hereinafter referred to as "District," does hereby grant to the CITY OF PASADENA, a municipal corporation, hereinafter referred to as "City," a perpetual easement for drainage purposes in, on, over, under, and across the real property in the City of Pasadena, County of Los Angeles, State of California, described in Exhibit "A" attached hereto and by this reference made a part hereof.

Subject to all matters of record and to the following reservation and conditions which City, by the acceptance of this Easement document and/or the exercise of any of the rights granted herein, agrees to keep and perform, viz:

1. District reserves the paramount right to use said land for flood control purposes.
2. City agrees that it will not perform or arrange for the performance of any construction or reconstruction work in, on, over, under, and across the land herein-described until the plans and specifications for such construction or reconstruction work shall have first been submitted to and been approved in writing by the Chief Engineer of the Los Angeles County Flood Control District. Such approval by District shall not be interpreted or inferred as an endorsement or approval as to the design, accuracy, correctness, or authenticity of the information shown on the submitted plans and specifications. Furthermore, such approval cannot be relied upon for any other purpose or by any third party for any reason whatsoever. The District does not accept ownership or responsibility for the improvements.
3. City agrees that it shall indemnify and save harmless the District, its officers, agents, and/or employees, from any and all liability, loss, or damage to which District, its officers, agents, or employees may be subjected as the result of any act or omission by City, its officers, agents, or employees, arising out of the exercise by City, its officers, agents, or employees of any of the rights granted to it by this instrument.

File with: Eaton Wash	173
Affects: Parcel 388	
24-RW5	
S.D. 5	M0223011

4. It is expressly understood that District will not be called upon to construct, repair, maintain, or reconstruct any structure or improvement to be erected or constructed pursuant to this Easement document.
5. The provisions and agreements contained in this Easement document shall be binding upon City, its successors, and assigns.

To the extent any lawful assessment be levied pertaining to the area to which this easement applies and to the extent that the assessment is based on the structures and improvements being constructed under the authority of this easement and provided further that the assessment be levied following City's exercise of these easement rights to construct such structures and improvements, City agrees to pay on behalf of District that part of any such assessment levied against the District which is based on the value contributed to that area by City's said improvements.

Dated _____

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

By _____
Chairman, Board of Supervisors of the
Los Angeles County Flood Control District

(LACFCD-SEAL)

ATTEST:

VIOLET VARONA-LUKENS, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

OAG:in
P:Conf:eEATON WSH173.doc

NOTE: Acknowledgment form on reverse side

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code which authorized the use of facsimile signatures of the Chairman of the Board on all papers, documents, or instruments requiring his/her signature.

The undersigned hereby certifies that on this _____ day of _____, 20_____, the facsimile signature of _____, Chairman of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT was affixed hereto as the official execution of this document. The undersigned further certifies that on this date, a copy of the document was delivered to the Chairman of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

VIOLET VARONA-LUKENS, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

(LACFCD-SEAL)

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By _____
Deputy

APPROVED as to title and execution, _____, 20_____. DEPARTMENT OF PUBLIC WORKS Mapping & Property Management Division MARTIN J. YOUNG Supervising Title Examiner III By _____

<p style="text-align: center;">CERTIFICATE OF ACCEPTANCE</p> <p>This is to certify that the interest in real property conveyed by the deed or grant herein, dated _____ from the Los Angeles County Flood Control District, a body corporate and politic, to the City of Pasadena, a municipal corporation, is hereby accepted pursuant to authority conferred by Resolution No. _____ of the City of Pasadena, adopted _____, and the Grantee consents to the recordation thereof by its duly authorized officer.</p> <p style="text-align: right;">Date _____</p> <p style="text-align: right;">By _____</p>

File with: EATON WASH 173

Affects: Parcel 388

24-RW 5

A.P.N. 5752-015-904 (portion)

T.G. 566(F3)

I.M. 159-257

Fifth District

M0223011

LEGAL DESCRIPTION

(Grant of easement for drainage purposes)

Those portions of Lamanda Park Tract, as shown on map recorded in Book 42, page 53, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles, described as PARCEL 173, as amended, and PARCEL NO. 388, as amended, in a Final Order of Condemnation, had in Superior Court Case No. 673221, a certified copy of which is recorded in Book D246, page 253, of Official Records, in the office of said recorder, within a strip of land 20 feet wide, lying 10 feet on each side of the following described center line:

Commencing at the northerly terminus of that certain course having a bearing and distance of S. 13°11'40" W. 1423.83 feet in the westerly line of said PARCEL 173; thence at right angles from said westerly line South 76°48'20" East 70.00 feet to the easterly line of said PARCEL 173; thence South 13°11'40" West along said easterly line, a distance of 607.85 feet to the TRUE POINT OF BEGINNING; thence North 86°51'09" West 106.64 feet.

The side lines of the above described 20-foot wide strip of land shall be prolonged or shortened at the beginning thereof so as to terminate in said easterly line and shall be prolonged or shortened at the end thereof so as to terminate in a line parallel with and 105.00 feet westerly, measured at right angles, from said easterly line.

Containing: 2,133± square feet

EXHIBIT A